

FILED  
08 JUL 14 AM 11:58  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RMW

Anthony Daniel Gonzales Plaintiff,

vs.

James E. Tilton, Secretary, California  
Department of Corrections

Defendant.

CV

08

3378

CASE NO. \_\_\_\_\_

**PRISONER'S  
APPLICATION TO PROCEED  
IN FORMA PAUPERIS**

I, Anthony Daniel Gonzales, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes \_\_\_\_ No ☒

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: \_\_\_\_\_ Net: \_\_\_\_\_

Employer: \_\_\_\_\_

If the answer is "no," state the date of last employment and the amount of the gross and net salary  
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1 and wages per month which you received. (If you are imprisoned, specify the last place of  
 2 employment prior to imprisonment.)

3 For approximately 9 months from 2003 to 2004 I worked  
 4 at "The Clear Choice" as a Manager, making \$10.00 per  
 5 hr. plus commission, at an average of \$1,700.00 a month.

6 2. Have you received, within the past twelve (12) months, any money from any of the following  
 7 sources:

8 a. Business, Profession or Yes \_\_\_ No ☒  
 9 self employment

10 b. Income from stocks, bonds, Yes \_\_\_ No ☒  
 11 or royalties?

12 c. Rent payments? Yes \_\_\_ No ☒

13 d. Pensions, annuities, or Yes \_\_\_ No ☒  
 14 life insurance payments?

15 e. Federal or State welfare payments, Yes \_\_\_ No ☒  
 16 Social Security or other govern-  
 17 ment source?

18 If the answer is "yes" to any of the above, describe each source of money and state the amount  
 19 received from each.

20 \_\_\_\_\_  
 21 \_\_\_\_\_

22 3. Are you married? Yes \_\_\_ No ☒

23 Spouse's Full Name: \_\_\_\_\_

24 Spouse's Place of Employment: \_\_\_\_\_

25 Spouse's Monthly Salary, Wages or Income:

26 Gross \$ \_\_\_\_\_ Net \$ \_\_\_\_\_

27 4. a. List amount you contribute to your spouse's support : \$ \_\_\_\_\_

28 b. List the persons other than your spouse who are dependent upon you for support  
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and indicate how much you contribute toward their support. (NOTE: For minor children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.)

5. Do you own or are you buying a home?

Yes \_\_\_ No ☒

Estimated Market Value: \$ \_\_\_\_\_ Amount of Mortgage: \$ \_\_\_\_\_

6. Do you own an automobile?

Yes \_\_\_ No ☒

Make \_\_\_\_\_ Year \_\_\_\_\_ Model \_\_\_\_\_

Is it financed? Yes \_\_\_ No \_\_\_ If so, Total due: \$ \_\_\_\_\_

Monthly Payment: \$ \_\_\_\_\_

7. Do you have a bank account? Yes \_\_\_ No ☒ (Do not include account numbers.)

Name(s) and address(es) of bank: \_\_\_\_\_

Present balance(s): \$ \_\_\_\_\_

Do you own any cash? Yes \_\_\_ No \_\_\_ Amount: \$ \_\_\_\_\_

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes \_\_\_ No ☒

8. What are your monthly expenses?

Rent: \$ \_\_\_\_\_ Utilities: \_\_\_\_\_

Food: \$ \_\_\_\_\_ Clothing: \_\_\_\_\_

Charge Accounts:

<u>Name of Account</u>	<u>Monthly Payment</u>	<u>Total Owed on This Acct.</u>
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

9. Do you have any other debts? (List current obligations, indicating amounts and to whom they are payable. Do not include account numbers.)

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10. Does the complaint which you are seeking to file raise claims that have been presented in other lawsuits? Yes ☒ No ☐

Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which they were filed.

In re Anthony Daniel Gonzales, People of the State of California v. Anthony Daniel Gonzales;

Court of Appeal Number H031002; California Court of Appeal, Sixth Appellate District

I consent to prison officials withdrawing from my trust account and paying to the court the initial partial filing fee and all installment payments required by the court.

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

5-12-08

DATE



SIGNATURE OF APPLICANT

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MAY 16 2008

Case Number: \_\_\_\_\_

**CERTIFICATE OF FUNDS**

**IN**

**PRISONER'S ACCOUNT**

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of Anthony Daniel Gonzales for the last six months at

[prisoner name]

California State Prison - Solano where (s)he is confined.

[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 0 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 0.31.

Dated: 5-22-08

Lorena Lopez Accounting Technician  
[Authorized officer of the institution]

MAY 16 2008

1 List, by name and citation only, any cases that you think are close factually to yours so that they  
2 are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning  
3 of these cases:

4 Caro v. Calderon, 165 F.3d 1223 (9th Cir. 1998)

5 Strickland v. Washington 466 U.S. 668 (1984)

6 Sanders v. Ratelle 21 F.3d 1446 (9th Cir. 1994)

7 Do you have an attorney for this petition?

Yes ☒ No ☐

8 If you do, give the name and address of your attorney:

9 Steven Schorr, P.O. Box 910496, San Diego, CA 92191-0496

10 WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in  
11 this proceeding. I verify under penalty of perjury that the foregoing is true and correct.

13 Executed on 5-12-08

14 Date



Signature of Petitioner

20 (Rev. 6/02)

REPORT ID: TS3030 .701

REPORT DATE: 05/22/08  
PAGE NO: 1

CALIFORNIA DEPARTMENT OF CORRECTIONS  
CALIFORNIA STATE PRISON SOLANO  
INMATE TRUST ACCOUNTING SYSTEM  
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: NOV. 22, 2007 THRU MAY 22, 2008

ACCOUNT NUMBER : V97347  
ACCOUNT NAME : GONZALES, ANTHONY DANIEL  
PRIVILEGE GROUP: A  
BED/CELL NUMBER: S101T10000000131L  
ACCOUNT TYPE: I

TRUST ACCOUNT ACTIVITY

<< NO ACCOUNT ACTIVITY FOR THIS PERIOD >>

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
1.88	0.00	0.00	1.88	0.00	0.00

CURRENT  
AVAILABLE  
BALANCE

1.88



THE WITHIN INSTRUMENT IS A CONTRACT  
COPY OF THE TRUST ACCOUNT MAINTAINED  
BY THIS OFFICE  
ATTEST:

CALIFORNIA DEPARTMENT OF CORRECTIONS  
BY *[Signature]*  
MANAGER

*[Signature]*  
5/22/08

### PROOF OF SERVICE

I declare that I am over the age of 18, not a party to this action and my business address is P.O. Box 910496, San Diego, California 92191. On the date shown below, I served the within PRISONER'S APPLICATION TO PROCEED IN FORMA PAUPERIS to the following parties hereinafter named by:

X Placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Santa Clara, California, addressed as follows:

Attorney General's Office  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
Attn: Jeffrey M. Laurence, DDA  
[Counsel for Respondent]

James E. Tilton, Secretary  
California Department of Corrections  
1515 "S" Street  
Sacramento, CA 95814

Anthony Daniel Gonzales  
#V-97347  
California State Prison - Solano  
P.O. Box 4000  
Vacaville, CA 95696

I declare under penalty of perjury the foregoing is true and correct. Executed this 11th day of July, 2008, at San Diego, California.

  
Steven Schorr